

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIOHEALTH CORPORATION,

Plaintiff,

v.

DAVID L. KIMBLER, et al.,

Defendants.

Case No. 2:09-cv-128

JUDGE GREGORY L. FROST

Magistrate Judge Mark R. Abel

OPINION AND ORDER

This matter is before the Court for consideration of a motion for summary judgment filed by Defendants David L. Kimbler and Richard M. Kimbler. (Doc. # 23.) Based upon the uncontroverted facts and undisputed arguments set forth in the unopposed motion, the Court concludes that there is no evidence here sufficient to support recognition of a common law marriage between Estille Kimbler and Judith Kimbler. The Court also concludes that there is no genuine issue of material fact surrounding Defendants David L. Kimbler and Richard M. Kimbler being the rightful beneficiaries of Judith Kimbler's OhioHealth Cash Balance Retirement Plan. Accordingly, the Court **GRANTS** the motion and **ORDERS** that the approximately \$73,000.00 shall be paid to Defendants David L. Kimbler and Richard M. Kimbler. The Clerk shall enter judgment accordingly and terminate this case upon the docket records of the United States District Court for the Southern District of Ohio, Eastern Division, at Columbus.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE